

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2860 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and  
MR.JUSTICE K.M.MEHTA

=====

1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

-----  
NAVSARJAN TRUST

Versus

STATE OF GUJARAT

-----  
Appearance:

MR GR SHAIKH for Petitioner  
GOVERNMENT PLEADER for Respondent No. 1, 2, 3, 4

-----  
CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and  
MR.JUSTICE K.M.MEHTA

Date of decision: 15/10/1999

ORAL JUDGEMENT

1. Rule. Mr.P.R.Joshi, Ld.Asstistant Government  
Pleader appears and waives service of notice of rule on  
behalf of respondents. In the facts and circumstances of  
the case, the matter is taken up for hearing today.

2. This petition is filed for appropriate writ, direction and/or order directing the respondent authorities to put the petitioners in possession of the land granted to the petitioners within three months from the date of receipt of the order of this court. It was also prayed that the respondents be directed to give full protection in the matter of cultivation of the lands and the harvesting of the crops. The case of the petitioners is that it is a public trust. It is a voluntary organisation working through its volunteers for uplifting of downtrodden people who are socially and educationally backward class persons including dalits and the agricultural workers and labourers. According to them the Harijans of Vadhvan, Limbdi, Sayla and Lakhtar talukas of Surendranagar District are granted agricultural lands by the State Government for cultivation. Necessary documents showing particulars of lands granted to them are placed on the record at annexure "A" collectively. It is, however, the grievance of the petitioners that the possession was not given till date. The trust also requested the authorities by filing memorandum before the Collector Pleader on 23.12.1996, and thereafter again on 10.3.1997. Reply was also given by the Collector on 21.4.1997. But, so far, the possession has not been given to them.

3. The Division Bench of this court issued notice on 20.4.1999 and made it returnable on 11.5.909. Today, we have heard the learned advocates for parties. Mr.Shaikh, Ld.Advocate for petitioner submitted that this is in the nature of Public Interest Litigation. When the land was granted to the backward class people possession ought to have been given immediately to them. It was, however, not done. Prayer, therefore, was made to direct the authorities by a writ of mandamus to hand over the possession of land. Mr.Joshi, Ld.AGP, under the instructions of B.R.Mandavia, District Inspector of Land Records states that taking of measurement of the land was going on. Substantial part is over, but still measurement of part of the land is to be taken which may take about a year. Therefore, he submitted that the measurement will be completed as early as possible and thereafter possession will be handed over to the respective allottees.

4. Mr.Shaikh, however, states that considerable period has passed and in the facts and circumstances it would in the interest of justice to direct the authorities to hand over the possession as expeditiously as possible preferably before next monsoon season so at that time the land can be used.

5. In our opinion, it would in the interest of justice if we direct the respondent authorities to complete the work as early as possible and hand over the possession. That the authorities will undertake the said work immediately and will try to complete it before June 15, 2000 and will handover the possession to the respective allottees. Rule is made absolutely to the aforesaid extent. In the facts and circumstances, no order as to costs. Liberty is granted to parties to apply in case of difficulty.

...